

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA
PLAINTIFF,

v.

\$8,500.00 IN UNITED STATES
CURRENCY,
DEFENDANT.

Civil Action No.

1:21-cv-03847-TWT

ORDER

This matter comes before the Court on the United States' Motion to Voluntarily Dismiss Complaint with Prejudice [Doc. 30] filed on September 7, 2022. For the reasons set forth below, the Court **GRANTS** the United States' motion.

On September 17, 2021, the United States filed a Verified Complaint for Forfeiture, against \$8,500 in United States currency ("Defendant Currency"), pursuant to 21 U.S.C. § 881(a)(6) and 18 U.S.C. § 981(a)(1)(C), alleging that the Defendant Currency constitutes or was derived from proceeds traceable to illegal distribution of controlled substances. [Doc. 1].

Brian Moore Jr. ("Claimant"), by and through counsel, filed a Verified Claim to the Defendant Currency and an Answer to the Complaint. [Docs. 5-7]. On May 24, 2022, the Claimant filed a Motion to Suppress. [Doc. 22]. Plaintiff opposed the

motion. [Doc. 23]. The Court scheduled an evidentiary hearing on Claimant's Motion to Suppress, which is currently set for September 12, 2022.

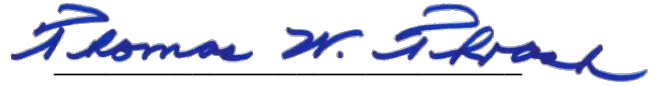
Now, the United States asserts it will not be in the public interest to pursue this action and seeks voluntary dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). In relevant part, Rule 41(a)(2) states: "[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2).

The dismissal of this action is proper since, among other things, Claimant will not be prejudiced by the dismissal of this action because the United States is requesting that this action be dismissed with prejudice and, consequently, the Claimant would face no risk of subsequent litigation over the same issues. In addition, the dismissal of this action is in the interest of judicial economy, prevents the incurrence of additional attorney's fees and litigation expenses for which the United States may be liable, and conserves resources. Lastly, the dismissal of this action will result in the return of the Defendant Currency to Claimant, which is the relief sought by Claimant.

Accordingly, it is now **ORDERED** that the United States' Motion to Voluntarily Dismiss Complaint with Prejudice [Doc. 30] is hereby **GRANTED**.

This matter is **DISMISSED with prejudice.**

SO ORDERED, this 9th day of September, 2022.

A handwritten signature in blue ink, reading "Thomas W. Thrash, Jr.", written in a cursive style.

THOMAS W. THRASH, JR.
United States District Judge